

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
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 Staff: A. Padilla
 Staff Report: 11/20/95
 Hearing Date: 12/12-15/95
 Commission Action:

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: 5-91-843A

APPLICANT: Step Up Housing Partners

AGENT: Bill Yee

PROJECT LOCATION: 1328 Second Street, Santa Monica

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: A 3-story addition containing 36 single room residential units over an existing one story retail/community center building.

DESCRIPTION OF AMENDMENT: Request to amend permit by removing future improvements deed restriction and is offering to provide 19 parking permits for tenants of the residential units.

LOCAL APPROVALS RECEIVED: Approval In Concept

SUBSTANTIVE FILE DOCUMENTS:

1. City of Santa Monica Land Use Plan (LUP) Certified with Suggested Modifications, 1992.
2. Parking Analysis prepared by Kaku Associates, June 1988 (updated 1991).
3. 5-87-592 (City of Santa Monica)
4. 5-87-643 (City of Santa Monica)
5. 5-88-384 (Arizona/Third Street Partnership)
6. 5-90-001 (Sports Legends Inc.)

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission determine that the proposed development with the proposed amendment, subject to the condition below, is consistent with the requirements of the Coastal Act.

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or

3) the proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Special Conditions.

Substitute special condition number 1 of the original permit with the following:

1. Parking Permits for Residential Tenants

Prior to the issuance of the coastal development permit, the applicant shall submit a written agreement, for review and approval by the Executive Director, stating that for the life of the residential units the applicant shall purchase from the City and provide to the residential tenants, 19 parking permits for use within the City's Parking District.

2. Change in Use

Any change in intensity or use, including a change in the number of units, conversion to market rate, or change to commercial use, will require an amendment to this permit or a new permit.

III. Findings and Declarations.

The Commission hereby finds and declares as follows:

A. Project Description and Background

This is a request to amendment permit #5-91-843 by deleting the future improvements deed restriction condition required on the original permit (see Exhibit #3). The applicant is offering to provide 19 parking permits for the residential tenants in lieu of the deed restriction.

Coastal Permit #5-91-843 was approved for the construction of a 3-story addition containing 36 single room residential units over an existing one

story retail/community center building. The housing units serve adults recovering from chronic mental illness. Following is a more detailed description of the purpose of the project as submitted by the applicant:

Step Up's Articles of Incorporation mandate the center to serve adults recovering from chronic mental illness. The agency's mission is:

To provide educational, vocational, and social services in Los Angeles County, California, to adults suffering from persistent and disabling mental illness, and to afford such individuals the opportunity to socialize, to develop new interests through educational experiences, and to learn the independent living and vocational skills necessary to become productive, contributing members of the community.

The Commission granted the permit on February 18, 1992. The Commission required, as a condition of approval a single special condition requiring the applicant to record a deed restriction to ensure that any future change in use of the project will not have an adverse impact on the parking district's parking supply (See Exhibit 3). The applicant accepted the condition of the permit and the applicant recorded the condition. The permit was subsequently issued on August 23, 1993. The project is currently in operation.

According to the applicant an amendment is being requested because, as the condition is currently worded, the applicant is unable to obtain refinancing. The applicant states that the deed restriction "substantially compromises the lender's security in the property".

As currently worded the condition 1) notifies future owners that a change in use, including conversion of the residential units to market rate units, would require a coastal development because it is a change in use and 2) requires, if converted to market rate units, on-site parking or off-site parking on property under common ownership with the subject development to support the new use. The applicant is objecting to both parts of the special condition.

B. Public Access/Parking

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by providing adequate parking facilities.

The development approved in permit #5-91-843 and constructed by the applicant is a 3-story residential addition over a one-story, 7,300 sq. ft. retail/community building located on a 7,500 sq. ft. commercial lot. The pre-existing use had no on-site parking provisions and due to lot size constraints, the addition was not able to provide on-site parking.

At the time of the Commission's original approval the applicant submitted parking information indicating that approximately 95% of the occupants for the proposed use would neither drive or own an automobile. Following is a brief parking requirement analysis as submitted by the applicant:

From experience, Step Up knows that the majority of its participants who will be the future tenants of the proposed housing units will not own automobiles or be licensed. Department of Motor Vehicles restricts individuals taking psychiatric medication, limiting their ability to receive a drivers license. Participants with limited income from disability benefits can not afford to purchase or maintain automobiles. Step Up estimates that over 95% of current participants at the socialization center neither own nor drive an automobile.

Step Up chose the Second Street location because the center is within walking distance to essential community resources. The center is also within two blocks of the major RTD and Bus routes, including routes along Venice, Wilshire, and Santa Monica Boulevards which provide transportation to downtown Los Angeles.

The Commission concurred with the City's and the applicant's parking analysis and found that the proposed use would not create any adverse parking impacts. However, the applicant had a 50 year lease that could be terminated earlier. The Commission was concerned that if the lease was terminated and a different use, such as market rate residential, were to be proposed in the future, the new use could have greater parking impacts. Therefore, the Commission required a future improvements deed restriction to put all present or future property owners on notice that a coastal development permit would be required for any change in use of the property, including a change to market rate residential. The Commission found that only as conditioned would the proposed development be consistent with the public access and parking provisions of Sections 30211 and 30252 of the Coastal Act.

The proposed project is located within the City of Santa Monica's downtown Parking Assessment District. The boundaries of the Parking District are Fourth Court, Broadway, First Court, and Wilshire Boulevard. The Parking District was formed to levy an additional businesses license tax and an annual ad valorem assessment to development within the area to pay for and to provide parking to all business within its boundaries. Parking within the Parking District is provided in six parking structures located within a four-block area. A total of 3,040 parking spaces are provided by the six structures. Of this total, 1,734 spaces are currently metered and available to the public (5-87-592, City of Santa Monica). Businesses within the boundaries of the Parking District are not required to provide on-site parking.

Although projects within the Parking District are not required to provide parking, the parking supply within the district must be adequate to support the demand generated by existing and new developments that do not provide their own parking or are deficient in their supply of on-site parking.

According to the parking demand analysis for the Third Street Promenade, prepared by KAKU Associates (December, 1988 and updated in 1991), the current weekday peak utilization rate for all six parking structures is 1,915 vehicles (63%) and occurs between 2:00 to 3:00 P.M. During this time the demand for metered spaces, which are spaces available to the general public, is 1,109.

spaces or 64%. During the weekend the peak utilization increases to 1,387 spaces or 80%. Therefore, the number of spaces remaining available to the general public are 625 spaces during the weekday and 347 spaces during the weekend. Based on these figures and the parking demand determined to be generated by the project it was found that there would be an adequate supply of parking remaining for the general public during weekday and weekend peak utilization periods to support the proposed project.

The applicant is requesting that the future improvement deed restriction, required by the Commission, be deleted and replaced with a requirement that the applicant provide City parking permits for the Parking District. The applicant is offering 19 parking permits based on the number of single room occupancy units (36) and the City's parking requirement of 0.5 parking spaces per SRO. In other words, instead of a deed restriction that would ensure that future impacts are appropriately mitigated, the applicant is proposing to mitigate the parking impacts at a parking rate found appropriate for a market rate SRO in 1990.

The applicant states that as proposed the project would be consistent with the Commission's past permit action in approving permit #5-91-325A (Community Corporation of Santa Monica). Permit #5-91-325A was for the construction of a mixed-use commercial and 43 unit single room occupancy project. In this permit amendment the applicant agreed to offer 22 parking permits for use within the Parking District. The number of permits offered was based on the amount of parking that would be generated by the project based on the City's parking ratio of 0.5 spaces per SRO.

The applicant states that since the Commission approved permit 5-91-325A without a deed restriction and allowed parking permits to ensure that adequate parking is provided within the Parking District, this project should be similarly treated and the deed restriction removed.

The applicant is requesting that the Commission accept mitigation for potential future impacts by providing 19 parking permits for the tenants of the residential units. This amount, based on current parking ratios, may be adequate to mitigate the current parking impacts that would be generated by the project. However, it is unknown what the impacts of a future change in use will be on the Parking District due to the changing demand and supply of parking. An SRO in 1999 may have greater impacts and require greater parking than in 1990. Therefore, the proposed mitigation may be inadequate to mitigate the impacts of the conversion to market rate units in the future. However, even in the absence of a future improvement condition, a change in use will require Commission approval and any impacts generated by a change in use will be mitigated at the time the change is proposed. Although the deed restriction protects the ability of the Commission to determine the impacts of development prior to the development occurring and protects future owners by putting them on notice that a change in use requires Commission approval, the applicants offer to provide 19 parking permits for the tenants of the SRO would be adequate to mitigate any parking impacts that the current use may have on the parking within the Parking District. Therefore, the proposed amendment is being conditioned so that the applicant will provide for the life of the project 19 parking permits, as offered by the applicant. The Commission finds that, as conditioned, the proposed project will be consistent with the Commission's intent in approving the original permit and with Section 30252 of the Coastal Act.

By accepting this permit amendment the applicant is aware that any change in use will require Commission approval and at the time of the proposed change the project will be evaluated based on the conditions that exist at that time and any impacts caused by the change in use will be required to be properly mitigated.

C. Local Coastal Program

Section 30604(a) of the Coastal Act states:

(a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

In August 1992, the Commission certified, with suggested modifications, the land use plan portion of the City of Santa Monica's Local Coastal Program. The certified LUP contains polices to guide the types, locations and intensity of future development in the Santa Monica coastal zone. Among these polices are those specified in the preceding section regarding public access--parking. The proposed amendment is consistent with all relevant policies of the LUP regarding public access and will not prejudice the ability of the City to prepare a Local Coastal Program implementation program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).


D. CEQA

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The proposed project amendment has been conditioned to be found consistent with the public access policies of the Coastal Act. Mitigation measures will minimize all adverse impacts. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed amendment is found consistent with CEQA and the policies of the Coastal Act.



5-91-843

EXHIBIT NO. 1
APPLICATION NO. 5-91-843A
Vicinity Map
 California Coastal Commission

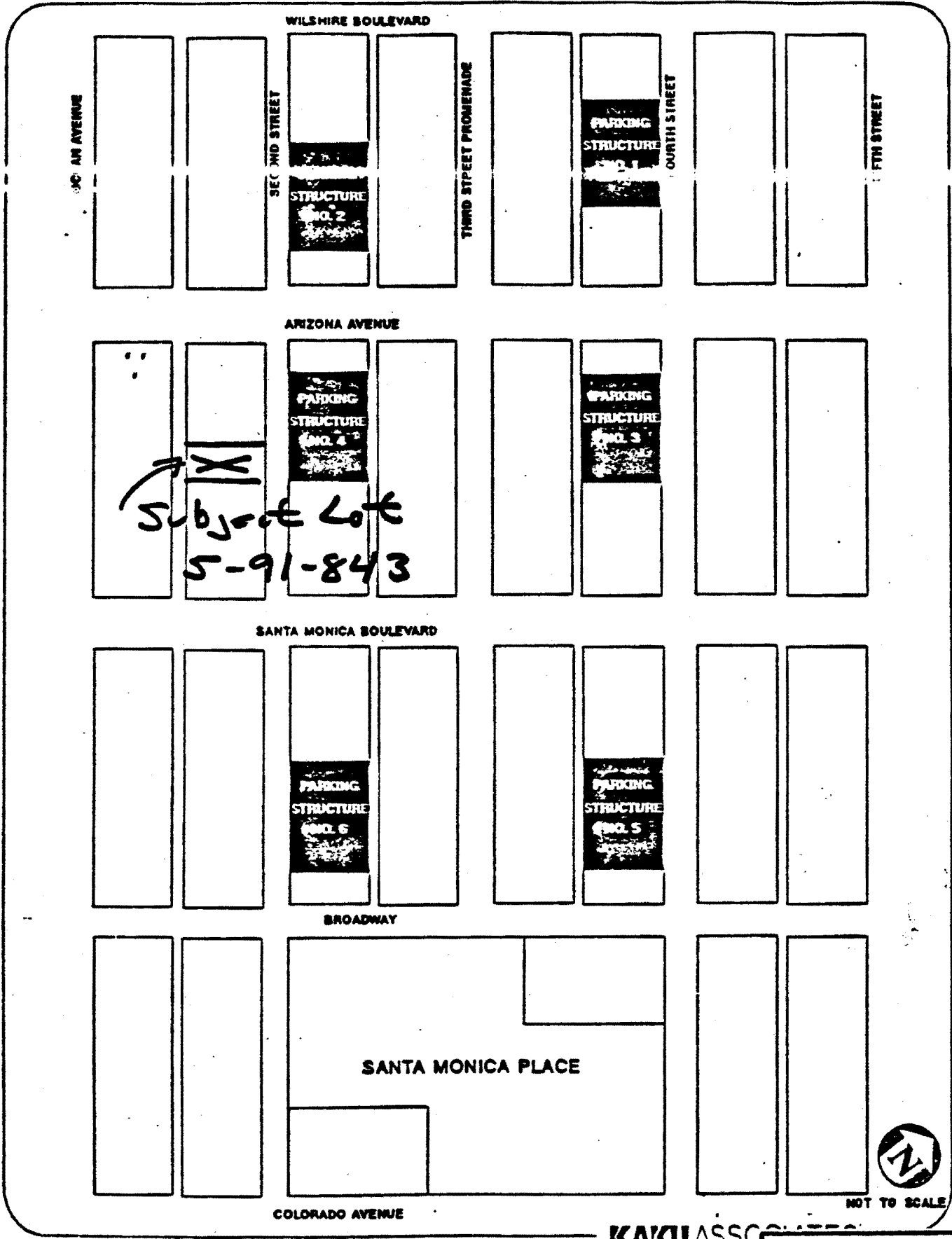


FIGURE 1
LOCATION OF CITY PARKING STRUCTURES


KAKU ASSOCIATES

EXHIBIT NO. 2
APPLICATION NO. 5-91-843A
Location within Parking District
California Coastal Commission

iii. SPECIAL CONDITIONS:

1. Future Development:

Prior to the issuance of the coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, stating the the subject permit is only for the development of a residential center for adults suffering from persistent or disabling mental illness, as described in the application for the Coastal Development Permit No. 5-91-843; and that any future improvements and/or change in use of the property, including but not limited to conversion to commercial, market rate residential, educational or hotel use will require a permit from the Coastal Commission or its successor agency. Such permit shall not be issued unless parking conforming to currently applicable Coastal Development permit parking standards has been provided. In the case of a conversion to a residential use, the parking shall be located on site or at a nearby site under common ownership with the subject development. The deed restriction shall run with the land, binding on heirs and assigns of the applicant and shall run for the life of the structure approved in this permit.

EXHIBIT NO. 3
APPLICATION NO. 5-91-843A
Original Special Condition No. 1
 California Coastal Commission